

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BYRON BIDDLE,

Plaintiff,

v.

GRANDVIEW HOSPITAL,

Defendant.

**CIVIL ACTION
NO. 14-06614**

ORDER

AND NOW, this 20th day of March, 2015, upon consideration of the Motion to Dismiss filed by Defendant Grandview Hospital, (Doc. No. 5), Plaintiff Bryon Biddle's response in opposition, (Doc. No. 9), and Defendant's reply, (Doc. No. 12), it is **ORDERED** that:

1. The Motion is **GRANTED**;
2. Plaintiff's Hostile Work Environment Claim (Count I) is **DISMISSED WITH PREJUDICE**;
3. Plaintiff's Disability Discrimination Claim (Count II) is **DISMISSED WITHOUT PREJUDICE**;
4. Plaintiff's Race Discrimination Claim (Count I) and Retaliation Claim (Count III) are **DISMISSED WITHOUT PREJUDICE**;
5. Plaintiff may file an Amended Complaint no later than April 10, 2015; and
6. If Plaintiff fails to file an Amended Complaint by April 10, 2015, this action will be dismissed with prejudice.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.